

APPENDIX A
PROPOSED AMENDMENTS
TO THE
ARIZONA RULES OF PROBATE PROCEDURE

Rule 7. Confidential Documents and Information

A. Definitions.

1. For purposes of this rule, “confidential document” means the following:
 - a. the probate information form filed pursuant to Rule 6 of these rules;
 - b. medical reports and records obtained and filed with the court in connection with proceedings pursuant to A.R.S. §§ 14-5303, -5310, -5401.01, or -5407, or A.R.S. § 36-3206, or in connection with the requirements of A.R. S. § 14-5312.01 and -5312.02;
 - c. RISK ASSESSMENTS, GOOD FAITH ESTIMATES AND BUDGETS FILED PURSUANT TO RULES 30, 30.1, 30.3, AND 30.4, ARIZONA RULES OF PROBATE PROCEDURE.
 - d. ~~e.~~ inventories and appraisements filed pursuant to A.R.S. § 14-5418(A);
 - e. ~~d.~~ accountings filed pursuant to A.R.S. Title 14;
 - f. ~~e.~~ a credit report; or
 - g. ~~f.~~ any other document ordered by the court to be filed or maintained as a confidential document pursuant to this rule.

[Remainder of rule unchanged]

Rule 8. Service of Court Papers.

A. Whenever A.R.S. Title 14 requires the notice of a hearing or other document be served personally, service shall be conducted pursuant to Rules 4(d), 4.1, and 4.2 of the Arizona Rules of Civil Procedure.

B. IF SERVICE OF A NOTICE AND PETITION OR APPLICATION THAT COMMENCES A PROBATE CASE IS NOT MADE UPON ALL PERSONS REQUIRED IN THE MANNER PRESCRIBED BY A.R.S. TITLE 14 WITHIN 120 DAYS AFTER THE FILING OF THE INITIAL PETITION OR APPLICATION, THE COURT, UPON MOTION OR ITS OWN INITIATIVE AFTER NOTICE TO THE PETITIONER OR APPLICANT, MAY DISMISS THE PETITION OR APPLICATION WITHOUT PREJUDICE OR DIRECT THAT SERVICE BE EFFECTED WITHIN A SPECIFIED TIME; PROVIDED THAT IF THE PETITIONER OR

APPLICANT SHOWS GOOD CAUSE FOR THE FAILURE PRIOR TO THE EXPIRATION OF TIME ALLOWED FOR SERVICE, THE COURT SHALL EXTEND THE TIME FOR SERVICE FOR AN APPROPRIATE PERIOD.

Rule 10. Duties Owed ~~to the Court~~ BY COUNSEL, FIDUCIARIES, UNREPRESENTED PARTIES, AND INVESTIGATORS

A. Duties of Counsel.

1. Responsibility to Court. Upon changing office address or telephone number, each attorney shall advise the clerk of court or the court administrator in each of the counties in which that attorney has probate cases pending of the attorney's current office address and telephone number.
2. Limited Scope Representation. Subject to the limitations in ER 1.2(c), Rules of Professional Conduct, an attorney may make a limited appearance by filing a notice stating that the attorney and the party have a written agreement that the attorney will provide limited scope representation to the party and specifying the matter or issues with regard to which the attorney will represent the party. Service on an attorney who has made a limited appearance for a party shall be valid, to the extent permitted by statute and Rule 4(f), Arizona Rules of Civil Procedure, in all matters in the case, but shall not extend the attorney's responsibility to represent the client beyond the specific matter for which the attorney has agreed to represent the client. Nothing in this rule shall limit an attorney's ability to provide limited services to a client without appearing of record in any judicial proceedings.

B. Duties of Unrepresented Parties.

1. An unrepresented party shall inform the court of his or her current address and telephone number. The person has a continuing duty to advise the court of any change in address or telephone number.
2. A person who is not an active member of the State Bar of Arizona or has not been admitted *pro hac vice* pursuant to the Rules of the Arizona Supreme Court may not represent family members or other lay persons during court proceedings.
3. A person who is not an active member of the State Bar of Arizona, an attorney admitted *pro hac vice* pursuant to the Rules of the Arizona Supreme Court, or certified as a legal document preparer by the Arizona Supreme Court may not prepare documents for another person to file with the court.

C. Duties of Court-Appointed Fiduciaries.

1. A court-appointed fiduciary shall
 - a. review all documents filed with the court that are prepared on the fiduciary's behalf;
 - b. REFRAIN FROM CHARGING TO ATTEND COURT PROCEEDINGS, INCLUDING DEPOSITIONS, UNLESS SUCH ATTENDANCE IS REQUIRED BY

LAW, COURT ORDER, OR OTHER CIRCUMSTANCES SUCH THAT THE FIDUCIARY'S ATTENDANCE IS NECESSARY;

c ~~b~~. if the fiduciary is a licensed fiduciary who is not also an active member of the State Bar of Arizona, place the fiduciary's license number on all documents signed by the fiduciary and filed with the court;

d ~~e~~. file an updated probate information form that contains the information required by Rule 6 of these rules within ten days after any changes in such information, except that if the ward's physical address changes, the ward's guardian shall file the updated probate information form within three days of learning of the change in address; and

e ~~d~~. in the case of an updated probate information form that reflects a change of a subject person's address or telephone number or a change of the fiduciary's address or telephone number, mail or deliver a copy of the updated probate information form to the subject person's court-appointed attorney, the subject person's guardian ad litem, and all parties to the probate case in which the updated probate information form has been filed.

2. Duties Regarding Death of Ward or Protected Person. The court-appointed fiduciary shall do the following upon the death of the fiduciary's ward or protected person:

a. A guardian or conservator appointed pursuant to A.R.S. Title 14 shall notify the court in writing of the ward or protected person's death within ten days of learning that the ward or protected person has died.

b. Except as provided by in A.R.S. § 14-5419(F) or otherwise ordered by the court, a conservator shall file a final accounting of the protected person's estate within 90 days of the date of the protected person's death. The accounting shall reflect all activity between the ending date of the most recently approved accounting and the date of death of the protected person. The court may extend the date for filing the accounting or relieve the conservator from filing an annual or final accounting.

3. Termination of Appointment. Before a court-appointed fiduciary may resign from a case or have the fiduciary's responsibilities judicially terminated, the fiduciary shall comply with all statutory requirements for withdrawal, including the filing of final reports and accountings.

4. DUTIES REGARDING MINOR'S DEATH, ADOPTION, MARRIAGE OR EMANCIPATION. THE COURT-APPOINTED GUARDIAN OF A MINOR WARD WHO IS ADOPTED, MARRIES OR BECOMES EMANCIPATED SHALL NOTIFY THE COURT IN WRITING WITHIN TEN DAYS OF SUCH EVENT. IF THE MINOR DOES NOT HAVE A CONSERVATOR AT THE TIME THE GUARDIANSHIP TERMINATES, THE GUARDIAN SHALL PROVIDE THE COURT AND FORMER MINOR WARD WITH A WRITTEN LIST OF ANY KNOWN ASSETS OR MONIES BEYOND PERSONAL EFFECTS BELIEVED TO BE OWNED BY THE FORMER MINOR WARD.

D. Duties Relating to Counsel for Fiduciaries ~~Upon Withdrawal.~~

1. TO MINIMIZE LEGAL EXPENSES INCURRED BY THE BENEFICIARY OF THE FIDUCIARY RELATIONSHIP, A FIDUCIARY'S ATTORNEY SHALL ENCOURAGE THE FIDUCIARY TO TAKE THOSE ACTIONS THE FIDUCIARY IS AUTHORIZED TO PERFORM AND CAN PERFORM COMPETENTLY ON THE FIDUCIARY'S OWN TO FULFILL THE FIDUCIARY'S DUTIES RATHER THAN HAVING THE ATTORNEY TAKE SUCH ACTIONS ON THE FIDUCIARY'S BEHALF.

2. In addition to the requirements set forth in Arizona Rule of Civil Procedure 5.1, an attorney who has appeared in a probate case as counsel of record for a guardian, conservator, personal representative, or trustee shall include with any motion to withdraw a status report that advises the court and parties of any issues pending in the probate case and informs the court and parties whether, to the best of the attorney's knowledge, all required guardian reports, inventories, accountings, and other similar required reports have been filed.

E. Duties of Counsel for Subject Person of Guardianship/Conservatorship Proceeding; DUTIES OF GUARDIAN AD LITEM

1. INITIAL TRAINING. ANY ATTORNEY WHO SERVES AS A COURT-APPOINTED ATTORNEY OR GUARDIAN AD LITEM FOR A PROPOSED ADULT WARD OR ADULT PROTECTED PERSON MUST FIRST COMPLETE A TRAINING COURSE PRESCRIBED BY THE SUPREME COURT, WHICH WILL ISSUE A CERTIFICATE OF COMPLETION. THE ATTORNEY MUST FILE A COPY OF THE CERTIFICATE OF COMPLETION WITH THE ADMINISTRATIVE OFFICE OF THE COURTS OR THE SUPREME COURT'S DESIGNEE NO LATER THAN TEN DAYS AFTER ENTRY OF THE APPOINTMENT ORDER. ANY ATTORNEY WHO, AT THE TIME THIS RULE BECOMES EFFECTIVE, IS SERVING AS COURT-APPOINTED ATTORNEY OR GUARDIAN AD LITEM FOR AN ADULT WARD OR PROTECTED PERSON MUST COMPLETE A TRAINING COURSE PRESCRIBED BY THE SUPREME COURT AS SOON AS PRACTICABLE AND THEREAFTER MUST FILE A CERTIFICATE OF COMPLETION WITH THE ADMINISTRATIVE OFFICE OF THE COURTS OR THE SUPREME COURT'S DESIGNEE.

2. SUBSEQUENT TRAINING. AFTER COMPLETING THE INITIAL TRAINING COURSE PRESCRIBED BY THE SUPREME COURT, ANY ATTORNEY WHO CONTINUES TO SERVE AS A COURT-APPOINTED ATTORNEY OR GUARDIAN AD LITEM FOR AN ADULT WARD OR PROTECTED PERSON MUST COMPLETE AN ADDITIONAL TRAINING COURSE PRESCRIBED BY THE SUPREME COURT EVERY FIVE YEARS AND FILE A CERTIFICATE OF COMPLETION AS SET FORTH IN SUBSECTION 1.

3. In a guardianship or conservatorship proceeding, the participation of an attorney representing the subject person shall terminate upon the subject person's death. In extraordinary situations, the court, for good cause shown, may authorize the limited participation of the subject person's attorney after the subject person's death. In such cases, the court shall set forth, in its order authorizing the attorney's continued participation, the basis for the continued participation and the scope of the attorney's participation.

F. DUTIES OF INVESTIGATORS.

1. BEFORE BEING APPOINTED AS AN INVESTIGATOR PURSUANT TO A.R.S. §§ 14-5303(C), 14-5407(B), OR 36-540(G), A PERSON MUST FIRST COMPLETE A TRAINING COURSE PRESCRIBED BY THE SUPREME COURT, WHICH WILL ISSUE A CERTIFICATE OF COMPLETION. THE INVESTIGATOR MUST FILE A COPY OF THE CERTIFICATE OF COMPLETION WITH THE ADMINISTRATIVE OFFICE OF THE COURTS OR THE SUPREME COURT'S DESIGNEE.
2. AFTER COMPLETING THE INITIAL TRAINING COURSE PRESCRIBED BY THE SUPREME COURT, ANY PERSON WHO CONTINUES TO SERVE AS A COURT-APPOINTED INVESTIGATOR MUST COMPLETE AN ADDITIONAL TRAINING COURSE PRESCRIBED BY THE SUPREME COURT EVERY FIVE YEARS AND FILE A CERTIFICATE OF COMPLETION AS SET FORTH IN SUBSECTION A.

RULE 10.1. FIDUCIARY'S AUTHORITY TO FILE DOCUMENTS AND APPEAR IN COURT PROCEEDINGS WHEN REPRESENTED BY COUNSEL.

- A. NOTWITHSTANDING AN ATTORNEY HAVING APPEARED IN A PROBATE CASE ON BEHALF OF A FIDUCIARY, A FIDUCIARY WHO IS REPRESENTED BY AN ATTORNEY IN A PROBATE CASE MAY SIGN AND FILE DIRECTLY WITH THE COURT ANY DOCUMENT EXCEPT A MOTION, A PETITION, AN APPLICATION, OR A CLOSING STATEMENT.
- B. A FIDUCIARY WHO FILES A DOCUMENT DIRECTLY WITH THE COURT PURSUANT TO THIS RULE SHALL BE RESPONSIBLE FOR SERVING A COPY OF SUCH DOCUMENT UPON THOSE PERSONS WHO, BY STATUTE, COURT RULE, OR COURT ORDER, ARE ENTITLED TO RECEIVE A COPY OF THE DOCUMENT. THE FIDUCIARY MUST ALSO PROVIDE THE FIDUCIARY'S ATTORNEY WITH A COPY OF THE DOCUMENT FILED DIRECTLY WITH THE COURT.
- C. UPON MOTION BY A FIDUCIARY'S ATTORNEY OF RECORD, THE COURT MAY AUTHORIZE THE FIDUCIARY TO APPEAR WITHOUT LEGAL REPRESENTATION IN A PARTICULAR COURT PROCEEDING AND COMMUNICATE WITH ANY OPPOSING COUNSEL IN CONNECTION WITH THAT PROCEEDING.

COMMENT

THE COURT RECOGNIZES THAT FIDUCIARIES REPRESENTED BY COUNSEL MAY NOT NEED THE SERVICES OF COUNSEL TO FILE CERTAIN DOCUMENTS OR APPEAR IN CERTAIN COURT PROCEEDINGS. SOMETIMES, THE INVOLVEMENT OF COUNSEL IS UNNECESSARY AND CAN BE COSTLY TO AN ESTATE. RULE 10.1(C) PERMITS THE COURT TO AUTHORIZE THE FIDUCIARY TO APPEAR IN CERTAIN COURT PROCEEDINGS WITHOUT THE ATTORNEY OF RECORD UPON REQUEST BY THAT ATTORNEY. IT IS ANTICIPATED THAT SUCH REQUESTS WILL BE MADE FOR ROUTINE COURT APPEARANCES THAT DO NOT CONCERN CONTESTED ISSUES. TO BE CLEAR, THIS RULE APPLIES ONLY TO COURT FILINGS AND APPEARANCES AND DOES NOT AUTHORIZE A FIDUCIARY TO DRAFT OTHER LEGAL DOCUMENTS,

SUCH AS ESTATE PLANNING DOCUMENTS. WHEN A REPRESENTED FIDUCIARY APPEARS WITHOUT THE ATTORNEY OF RECORD PURSUANT TO THIS RULE, OTHER COUNSEL MAY COMMUNICATE WITH THE FIDUCIARY IN CONNECTION WITH THAT PROCEEDING ONLY WITHOUT VIOLATING THE ATTORNEY'S ETHICAL OBLIGATION MANDATED BY ARIZ. R. SUP. CT. 42, ER 4.2.

RULE 10.2. PRUDENT MANAGEMENT OF COSTS

IN A PROCEEDING BROUGHT PURSUANT TO TITLE 14:

A. THE FIDUCIARY MUST PRUDENTLY MANAGE COSTS, PRESERVE THE ASSETS OF THE WARD OR PROTECTED PERSON FOR THE BENEFIT OF THE WARD OR PROTECTED PERSON, AND PROTECT AGAINST INCURRING ANY COSTS THAT EXCEED PROBABLE BENEFITS TO THE WARD, PROTECTED PERSON, DECEDENT'S ESTATE OR TRUST, EXCEPT AS OTHERWISE DIRECTED BY A GOVERNING INSTRUMENT OR COURT ORDER.

B. THE GUARDIAN AD LITEM, FIDUCIARY, FIDUCIARY'S ATTORNEY, ATTORNEY FOR THE WARD OR PROTECTED PERSON MUST TIMELY DISCLOSE TO THE COURT AND ALL PERSONS ENTITLED TO NOTICE IF THE PERSON HAS A REASONABLE BELIEF THAT PROJECTED COSTS OF COMPLYING WITH A COURT ORDER MAY EXCEED THE PROBABLE BENEFITS TO THE WARD, PROTECTED PERSON, DECEDENT'S ESTATE OR TRUST. IF APPROPRIATE, CONSISTENT WITH DUE PROCESS, THE COURT SHALL ENTER OR MODIFY THE ORDERS AS MAY PROTECT OR FURTHER THE BEST INTEREST OF THE WARD, PROTECTED PERSON, DECEDENT'S ESTATE OR TRUST AGAINST PROJECTED COSTS THAT EXCEED PROBABLE BENEFITS.

C. MARKET RATES FOR GOODS AND SERVICES ARE A PROPER, ONGOING CONSIDERATION FOR THE FIDUCIARY AND THE COURT DURING THE INITIAL COURT APPOINTMENT OF A FIDUCIARY OR ATTORNEY, A HEARING ON A BUDGET OBJECTION AND A REQUEST TO SUBSTITUTE A COURT-APPOINTED FIDUCIARY OR ATTORNEY. AT ANY STAGE OF THE PROCEEDINGS, THE COURT MAY ORDER THAT COMPETITIVE BIDS FOR GOODS OR SERVICES BE OBTAINED.

RULE 15.1. APPOINTMENT OF GUARDIAN AD LITEM.

A. A PARTY REQUESTING THE APPOINTMENT OF A GUARDIAN AD LITEM SHALL MAKE THE REQUEST IN A MOTION THAT SETS FORTH WHY THE APPOINTMENT IS NECESSARY OR ADVISABLE AND WHAT, IF ANY, SPECIAL EXPERTISE IS REQUIRED OF THE GUARDIAN AD LITEM.

B. THE ORDER APPOINTING A GUARDIAN AD LITEM PURSUANT TO THIS SECTION SHALL CLEARLY SET FORTH THE SCOPE OF THE APPOINTMENT, INCLUDING THE REASONS FOR AND DURATION OF THE APPOINTMENT, RIGHTS OF ACCESS AS AUTHORIZED BY THIS RULE, AND THE APPLICABLE TERMS OF COMPENSATION.

C. UPON APPOINTING A GUARDIAN AD LITEM, THE COURT MAY ENTER AN ORDER AUTHORIZING THE GUARDIAN AD LITEM TO HAVE IMMEDIATE ACCESS TO THE PERSON FOR WHOM THE GUARDIAN AD LITEM HAS BEEN APPOINTED AND ALL MEDICAL AND FINANCIAL RECORDS PERTAINING TO SUCH PERSON, INCLUDING RECORDS AND INFORMATION THAT ARE OTHERWISE PRIVILEGED OR CONFIDENTIAL. UPON RECEIPT OF A CERTIFIED COPY OF SUCH ORDER, THE CUSTODIAN OF ANY RELEVANT RECORD RELATING TO A PERSON FOR WHOM A GUARDIAN AD LITEM HAS BEEN APPOINTED SHALL PROVIDE THE GUARDIAN AD LITEM WITH ACCESS TO SUCH RECORD AS AUTHORIZED BY THE COURT'S ORDER.

RULE 15.2. INVOLUNTARY TERMINATION OF APPOINTMENT; OTHER REMEDIES FOR NON-COMPLIANCE; DISMISSAL; SANCTIONS.

A. DISMISSAL OF PROBATE, SPECIAL ADMINISTRATION OR SUBSEQUENT ADMINISTRATION PROCEEDINGS FOR LACK OF PROSECUTION.

1. TWO YEARS AFTER INITIATION OF A CASE FILED PURSUANT TO TITLE 14, CHAPTER 3, A.R.S., THE COURT SHALL ISSUE A NOTICE OF IMPENDING DISMISSAL OF THE CASE UNLESS AT LEAST ONE OF THE FOLLOWING HAS BEEN FILED IN THE CASE:

- a. A CLOSING STATEMENT AUTHORIZED BY § 14-3933;
- b. A PETITION TO SETTLE THE ESTATE AUTHORIZED BY §§ 14-3931, AND -3932;
- c. AN ORDER TERMINATING THE APPOINTMENT OF A SPECIAL ADMINISTRATOR PURSUANT TO § 14-3618;
- d. AN ORDER SETTING THE CASE FOR FUTURE TRIAL, HEARING, OR CONFERENCE OR AN ORDER EXTENDING THE ADMINISTRATION OF THE ESTATE BEYOND TWO YEARS.

2. THE CLERK OF THE COURT OR COURT ADMINISTRATOR, WHOEVER IS DESIGNATED BY THE PRESIDING JUDGE, SHALL PROMPTLY NOTIFY PARTIES, HEIRS, DEVISEES, AND ALL WHO DEMAND NOTICE IN THE CASE OF THE IMPENDING DISMISSAL OF THE CASE. AT THE EXPIRATION OF 90 DAYS AFTER ISSUANCE OF THE NOTICE, THE COURT SHALL DISMISS THE CASE WITHOUT PREJUDICE AND TERMINATE THE APPOINTMENT OF THE PERSONAL REPRESENTATIVE OR SPECIAL ADMINISTRATOR WITHOUT A HEARING UNLESS AT LEAST ONE OF THE FOLLOWING HAS BEEN FILED IN THE CASE:

- a. ANY OF THE FOUR DOCUMENTS DESCRIBED ABOVE;
- b. A REQUEST FOR HEARING OR CONFERENCE;
- c. A PETITION TO TERMINATE THE APPOINTMENT OF THE PERSONAL REPRESENTATIVE OR SPECIAL ADMINISTRATOR;

d. A STATUS REPORT DESCRIBING MATTERS THAT REMAIN TO BE RESOLVED.

ANY TERMINATION OF THE APPOINTMENT OF THE PERSONAL REPRESENTATIVE OR SPECIAL ADMINISTRATOR UNDER THIS RULE SHALL NOT DISCHARGE THE FIDUCIARY FROM LIABILITY OR EXONERATE ANY BOND. THE COURT MAY EXTEND THE PERIODS SET FORTH IN THIS RULE PRIOR TO THEIR EXPIRATION FOR GOOD CAUSE SHOWN.

B. TERMINATION OF A MINOR GUARDIANSHIP CASE. CONSISTENT WITH THE PROVISIONS OF A.R.S. § 14-5210, THE CLERK OF THE COURT OR COURT ADMINISTRATOR, WHOEVER IS DESIGNATED BY THE PRESIDING JUDGE, SHALL CLOSE A MINOR GUARDIANSHIP CASE FILED PURSUANT TO §§ 14-5201 TO -5212 UPON THE MINOR REACHING THE AGE OF MAJORITY, THE MINOR'S ADOPTION, MARRIAGE, EMANCIPATION, OR DEATH. IF THE COURT HAS REASON TO BELIEVE THAT THE MINOR HAS A DISABILITY OR IMPAIRMENT THAT MAY NECESSITATE THE APPOINTMENT OF A GUARDIAN AFTER THE MINOR'S EIGHTEENTH BIRTHDAY, AND A PETITION HAS NOT BEEN FILED PURSUANT TO A.R.S. § 14-5303, THE COURT SHALL SET A STATUS HEARING NOT LESS THAN 90 DAYS PRIOR TO THE MINOR'S EIGHTEENTH BIRTHDAY TO DETERMINE WHETHER A PETITION FOR APPOINTMENT OF A GUARDIAN FOR AN ADULT SHOULD BE FILED.

C. REMEDIES FOR NON-COMPLIANCE BY A GUARDIAN OR CONSERVATOR FOR AN ADULT. IN THE EVENT A GUARDIAN OR CONSERVATOR FAILS TO COMPLY WITH ANY REQUIREMENTS OF A.R.S. TITLE 14, COURT RULES, OR A COURT ORDER, THE COURT MAY ENTER ANY ORDER APPROPRIATELY DESIGNED TO ENSURE COMPLIANCE WITH LEGAL REQUIREMENTS OR PROTECT THE BEST INTEREST OF THE WARD OR PROTECTED PERSON, INCLUDING:

1. ORDER THE GUARDIAN OR CONSERVATOR TO COMPLY WITHIN A TIME CERTAIN;
2. ISSUE AN ORDER TO SHOW CAUSE PURSUANT TO RULE 35 REQUIRING THE GUARDIAN OR CONSERVATOR TO SHOW CAUSE WHY APPROPRIATE ACTIONS SHOULD NOT BE TAKEN BY THE COURT;
3. APPOINT A COURT INVESTIGATOR TO INVESTIGATE THE REASONS FOR THE GUARDIAN'S OR CONSERVATOR'S NON-COMPLIANCE AND REPORT TO THE COURT REGARDING THE INVESTIGATOR'S FINDINGS AND PROPOSED RECOMMENDATIONS;
4. TERMINATE THE GUARDIANSHIP OR CONSERVATORSHIP PROCEEDING IF THE COURT DETERMINES THAT DISMISSAL IS APPROPRIATE. THE COURT SHALL NOT TERMINATE A GUARDIANSHIP OR CONSERVATORSHIP CASE IF THE COURT HAS REASON TO BELIEVE THE WARD REMAINS INCAPACITATED OR THE PROTECTED PERSON REMAINS IN NEED OF PROTECTION AND SUCH PERSON CONTINUES TO RESIDE IN ARIZONA; OR,

5. IMMEDIATELY SUSPEND OR TERMINATE THE AUTHORITY OF THE GUARDIAN OR CONSERVATOR TO TAKE ANY FURTHER ACTION ON BEHALF OF THE WARD OR THE ESTATE AND APPOINT A SUCCESSOR OR TEMPORARY FIDUCIARY;

6. INITIATE PROCEEDINGS THAT MAY RESULT IN ISSUANCE OF A FIDUCIARY ARREST WARRANT PURSUANT TO A.R.S. § 14-5701; OR

7. ENTER SUCH OTHER ORDER AS MAY BE APPROPRIATE IN THE CIRCUMSTANCES OF THE CASE.

D. GENERAL INVOLUNTARY TERMINATION. IF NO ACTION OR HEARING OCCURS FOR A PERIOD OF SIX MONTHS AFTER A CASE IS INITIATED UNDER A.R.S. TITLE 14, THE COURT SHALL ISSUE A NOTICE THAT THE CASE WILL BE ADMINISTRATIVELY TERMINATED IN 90 DAYS WITHOUT HEARING, UNLESS BEFORE THAT DATE THE INITIATING PARTY FILES WITH THE COURT A REQUEST FOR ACTION OR A STATUS REPORT THAT DESCRIBES MATTERS REMAINING FOR RESOLUTION. THE NOTICE SHALL BE PROVIDED TO ALL PARTIES, PERSONS ENTITLED TO NOTICE OF THE COMMENCEMENT OF THE CASE, AND ANY PERSON WHO FILED A DEMAND FOR NOTICE.

E. EFFECT OF DISMISSAL. UNLESS OTHERWISE ORDERED BY THE COURT, THE ENTRY OF AN ORDER DISMISSING A CASE SERVES TO DISMISS ALL PENDING MATTERS IN THE CASE WITHOUT PREJUDICE BUT DOES NOT DISMISS, VACATE, OR SET ASIDE ANY FINAL ORDER APPROVING ACCOUNTINGS OR APPROVING OTHER ACTIONS OF A PERSON APPOINTED PURSUANT TO A.R.S. TITLE 14.

F. DISMISSAL AUTHORITY. THE AUTHORITY OF THE COURT TO ISSUE NOTICES, DISMISS CASES AND TERMINATE APPOINTMENTS UNDER THIS RULE MAY BE PERFORMED BY COURT ADMINISTRATION OR BY AN APPROPRIATE ELECTRONIC PROCESS UNDER SUPERVISION OF THE COURT.

Rule 18. Motions

A. Generally. A motion shall be filed with the court when a party seeks procedural rather than substantive relief.

B. Motions for Appointment of ~~Guardian Ad Litem or~~ Counsel. A party requesting the appointment of a ~~guardian ad litem or~~ counsel shall make such request in a motion that sets forth why the appointment is necessary or advisable and what, if any, special expertise is required of the ~~guardian ad litem or~~ counsel.

C. IF A PARTY HAS A GOOD FAITH BELIEF THAT AN INTERESTED PERSON HAS FILED A MOTION OR PETITION THAT REQUESTS THE SAME OR SUBSTANTIALLY SIMILAR RELIEF TO THE RELIEF REQUESTED IN AN EARLIER MOTION OR PETITION FILED BY THE SAME INTERESTED PERSON WITHIN THE PRECEDING TWELVE MONTHS, AND IF THE LATER FILED MOTION OR PETITION DOES NOT DESCRIBE IN DETAIL A CHANGE IN FACT OR CIRCUMSTANCE THAT SUPPORTS

THE REQUESTED RELIEF, THE PARTY MAY FILE A NOTICE OF REPETITIVE FILING. THIS NOTICE SHALL BE FILED NO LATER THAN THE RESPONSE OR OBJECTION DEADLINE FOR THE ALLEGEDLY REPETITIVE FILING AND SHALL INCLUDE THE TITLE AND DATE OF THE ALLEGED REPETITIVE FILING, THE TITLE AND DATE OF THE EARLIER FILING, AND THE DATE OF THE COURT'S RULING ON THE EARLIER FILING. A NOTICE OF REPETITIVE FILING SHALL HAVE THE EFFECT OF STAYING THE DEADLINE TO RESPOND OR OBJECT TO THE ALLEGED REPETITIVE FILING UNTIL FURTHER ORDER OF THE COURT. THE COURT MAY SUMMARILY STRIKE A REPETITIVE MOTION, WITHOUT HEARING, ON ITS OWN INITIATIVE OR FOLLOWING RECEIPT OF A NOTICE OF REPETITIVE FILING.

COMMENT

ARIZONA REVISED STATUTES SECTION 14-1109 PERMITS THE COURT TO SUMMARILY DENY A REPETITIVE MOTION OR PETITION, AS DESCRIBED IN THE STATUTE. RULE 18(C) PROVIDES A COST-EFFECTIVE MECHANISM FOR A PARTY TO INFORM THE COURT OF A GOOD FAITH BELIEF THAT A MOTION OR PETITION IS REPETITIVE WITHOUT WAIVING THE RIGHT TO FILE A RESPONSE OR OBJECTION SHOULD THE COURT ULTIMATELY DETERMINE THAT THE MOTION OR PETITION IS NOT REPETITIVE. NOTHING IN THIS RULE IS INTENDED TO PRECLUDE THE COURT ON ITS OWN MOTION FROM SUMMARILY DENYING A REPETITIVE MOTION OR PETITION.

Rule 19. Appointment of Attorney, Medical Professional, and Investigator

A. A request for the appointment of an attorney, medical professional, and investigator may be included in the petition for the appointment of a guardian or conservator and need not be made by separate motion. A separate form of order for the appointment of an attorney, a medical professional, and an investigator shall be submitted to the court within three days after the request is made.

B. ABSENT GOOD CAUSE, A PARTY WHO SEEKS THE APPOINTMENT OF A GUARDIAN OR CONSERVATOR SHALL NOT NOMINATE A SPECIFIC ATTORNEY TO REPRESENT THE SUBJECT PERSON UNLESS THE ATTORNEY HAS AN EXISTING OR PRIOR ATTORNEY-CLIENT RELATIONSHIP WITH THE SUBJECT PERSON. If a party ~~who seeks the appointment of a guardian or conservator~~ nominates a specific attorney to represent the SUBJECT PERSON ~~alleged incapacitated person or the person alleged to be in need of protection~~, the party shall, in the petition for appointment of guardian or conservator, describe the attorney's prior relationship, if any, with the petitioner and the SUBJECT PERSON ~~alleged incapacitated person or the person alleged to be in need of protection~~.

C. UNLESS OTHERWISE ORDERED BY THE COURT, AN ATTORNEY SHALL NOT BE APPOINTED, ACCEPT AN APPOINTMENT, OR REMAIN APPOINTED AS THE ATTORNEY OR GUARDIAN AD LITEM FOR THE SUBJECT PERSON IF THE ATTORNEY HAS AN EXISTING ATTORNEY-CLIENT RELATIONSHIP WITH THE NOMINATED OR APPOINTED FIDUCIARY.

D. If a party who seeks the appointment of a guardian or conservator nominates a specific medical professional to evaluate the alleged incapacitated person or the person alleged to be in need of protection, the party shall, in the petition for appointment of guardian or conservator, describe the medical professional's prior relationship, if any, with the petitioner and the alleged incapacitated person or the person alleged to be in need of protection.

E. Noncompliance with this rule may be cause for continuing the hearing on the petition for appointment of guardian or conservator to such time as the judicial officer directs.

Rule 22. ORDERS APPOINTING CONSERVATORS, GUARDIANS, AND PERSONAL REPRESENTATIVES; Bonds and Bond Companies; RESTRICTED ASSETS

A. ORDERS. Every order appointing a conservator or a personal representative shall plainly state the amount of bond required. Neither letters of conservator nor letters of personal representative shall be issued to any person until any required bond has been filed with the clerk of court. EVERY ORDER APPOINTING A CONSERVATOR, GUARDIAN, OR PERSONAL REPRESENTATIVE SHALL INCLUDE THE FOLLOWING LANGUAGE: "WARNING: THIS APPOINTMENT IS NOT EFFECTIVE UNTIL THE LETTERS OF APPOINTMENT HAVE BEEN ISSUED BY THE CLERK OF THE SUPERIOR COURT."

B. Bonds. Each fiduciary bond filed with the clerk of court shall state on the bond or on an attachment to the bond the name and address of the bonding company's statutory agent or other person authorized to accept service of process for the bonding company in the State of Arizona. The bonding company shall promptly notify the clerk of court of any change in the company's statutory agent or in the statutory agent's address.

C. RESTRICTED ACCOUNTS

1. EVERY ORDER APPOINTING A CONSERVATOR OR PERSONAL REPRESENTATIVE, OR THAT AUTHORIZES A SINGLE TRANSACTION OR OTHER PROTECTIVE ARRANGEMENT PURSUANT TO A.R.S. §14-5409, SHALL PLAINLY STATE ANY RESTRICTIONS ON THE FIDUCIARY'S AUTHORITY TO MANAGE MONETARY ASSETS OF THE ESTATE.

2. IF THE RESTRICTION AFFECTS THE FIDUCIARY'S ABILITY TO MANAGE MONETARY ASSETS OF THE ESTATE, THE ORDER AND, UNLESS OTHERWISE ORDERED BY THE COURT, ANY LETTERS THAT ISSUE SHALL CONTAIN THE FOLLOWING LANGUAGE: "FUNDS SHALL BE DEPOSITED INTO AN INTEREST-BEARING, FEDERALLY INSURED RESTRICTED ACCOUNT AT A FINANCIAL INSTITUTION ENGAGED IN BUSINESS IN ARIZONA. NO WITHDRAWALS OF PRINCIPAL OR INTEREST MAY BE MADE WITHOUT CERTIFIED ORDER OF THE SUPERIOR COURT. UNLESS OTHERWISE ORDERED BY THE COURT, REINVESTMENT MAY BE MADE WITHOUT FURTHER COURT ORDER SO LONG AS FUNDS REMAIN INSURED AND RESTRICTED IN THIS INSTITUTION AT THIS BRANCH."

3. UNLESS OTHERWISE ORDERED BY THE COURT, THE FIDUCIARY SHALL FILE A PROOF OF RESTRICTED ACCOUNT FOR EVERY ACCOUNT ORDERED RESTRICTED BY THE COURT WITHIN 30 DAYS AFTER THE ORDER OR LETTERS, WHETHER TEMPORARY OR PERMANENT, ARE FIRST ISSUED.

4. UNLESS OTHERWISE ORDERED BY THE COURT, AN ATTORNEY WHO REPRESENTS THE FIDUCIARY, THE WARD, PROTECTED PERSON, OR INSURANCE COMPANY AND WHO IS THE RECIPIENT OF ANY PROCEEDS TO BE RESTRICTED FOR THE BENEFIT OF A MINOR, INCAPACITATED PERSON OR PROTECTED PERSON, SHALL ENSURE THE ESTABLISHMENT OF THE RESTRICTED ACCOUNT, PROPER TITLING OF THE SAME, AND SAFE DEPOSIT OF THE RESTRICTED FUNDS. THE ATTORNEY SHALL FILE A PROPERLY EXECUTED PROOF OF RESTRICTED ACCOUNT FORM EXECUTED BY AN AUTHORIZED REPRESENTATIVE OF THE FINANCIAL INSTITUTION WITHIN 30 DAYS AFTER THE ISSUANCE OF LETTERS OR ENTRY OF A SINGLE TRANSACTION ORDER.

D. RESTRICTED REAL PROPERTY

1. EVERY ORDER APPOINTING A CONSERVATOR OR A PERSONAL REPRESENTATIVE, OR THAT AUTHORIZES A SINGLE TRANSACTION OR OTHER PROTECTIVE ARRANGEMENT PURSUANT TO A.R.S. §14-5409, SHALL PLAINLY STATE ANY RESTRICTIONS ON THE AUTHORITY TO SELL, LEASE, ENCUMBER OR CONVEY REAL PROPERTY OF THE ESTATE. NEITHER LETTERS OF CONSERVATOR NOR PERSONAL REPRESENTATIVE SHALL BE ISSUED BY THE CLERK OF THE COURT TO ANY PERSON UNLESS THE LANGUAGE RESTRICTING THE FIDUCIARY'S AUTHORITY IS CONTAINED IN THE LETTERS.

2. IF THE RESTRICTION LIMITS THE FIDUCIARY'S AUTHORITY TO MANAGE REAL PROPERTY, THE ORDER APPOINTING THE CONSERVATOR OR PERSONAL REPRESENTATIVE, OR THAT AUTHORIZES OR RATIFIES THE TRANSACTION SHALL CONTAIN THE FOLLOWING LANGUAGE: "NO REALTY SHALL BE LEASED FOR MORE THAN ONE YEAR, SOLD, ENCUMBERED OR CONVEYED WITHOUT PRIOR COURT ORDER."

Rule 26. Issuance AND RECORDING of Letters

A. If the appointment of a fiduciary is limited in time by statute or court order, the letters issued shall reflect the termination date of the appointment.

B. ~~Any restrictions on the authority of the fiduciary to act shall be reflected in the letters issued.~~ IF THE COURT RESTRICTS THE AUTHORITY OF A CONSERVATOR, GUARDIAN OR PERSONAL REPRESENTATIVE, THE CLERK OF THE COURT SHALL NOT ISSUE LETTERS OF CONSERVATOR, GUARDIAN, OR PERSONAL REPRESENTATIVE UNLESS THE LANGUAGE RESTRICTING THE FIDUCIARY'S AUTHORITY IN THE COURT'S ORDER IS CONTAINED IN THE LETTERS OF APPOINTMENT.

C. The clerk of court shall not issue letters of guardian, conservator, personal representative, or special administrator until the fiduciary has filed the bond or other security, if a bond or other security is required by the court.

D. Before issuing certified copies of letters of appointment, the clerk of court shall verify that the fiduciary's appointment is still in effect.

E. PURSUANT TO A.R.S. § 14-5421, A CONSERVATOR SHALL FILE AND RECORD A CERTIFIED COPY OF THE LETTERS WITH THE OFFICE OF THE COUNTY RECORDER IN ALL COUNTIES WHERE THE ESTATE OWNS REAL PROPERTY. THE CONSERVATOR SHALL ALSO FILE A COPY OF THE RECORDED LETTERS WITH THE COURT WITHIN 30 DAYS AFTER ISSUANCE OF THE CONSERVATOR'S LETTERS.

RULE 26.1. WRITTEN FINDINGS ON APPOINTMENT

FOLLOWING A WRITTEN REQUEST BY A PERSON WITH HIGHER PRIORITY FOR APPOINTMENT AS A GUARDIAN OR CONSERVATOR BUT WHO WAS PASSED OVER BY THE COURT IN FAVOR OF APPOINTING A PERSON WITH LOWER PRIORITY, THE COURT SHALL MAKE A SPECIFIC FINDING REGARDING THE COURT'S DETERMINATION OF GOOD CAUSE AND WHY THE PERSON WAS NOT APPOINTED. THE REQUEST MUST BE MADE WITHIN TEN DAYS AFTER THE ENTRY OF THE ORDER.

RULE 27.1. TRAINING FOR NON-LICENSED FIDUCIARIES.

A. ANY PERSON WHO IS NEITHER A LICENSED FIDUCIARY UNDER A.R.S. § 14-5651 NOR A FINANCIAL INSTITUTION SHALL COMPLETE A TRAINING PROGRAM APPROVED BY THE SUPREME COURT BEFORE LETTERS TO SERVE AS A GUARDIAN, CONSERVATOR, OR PERSONAL REPRESENTATIVE ARE ISSUED UNLESS THE APPOINTMENT WAS MADE PURSUANT TO SECTIONS 14-5310(A), 14-5401.01(A) OR 14-5207(C).

B. IF THE APPOINTMENT WAS MADE BECAUSE AN EMERGENCY EXISTED, THE FIDUCIARY SHALL COMPLETE THE TRAINING PROGRAM WITHIN THIRTY DAYS OF APPOINTMENT OR BEFORE THE PERMANENT APPOINTMENT OF THE FIDUCIARY, WHICHEVER IS EARLIER. FOR GOOD CAUSE, THE COURT MAY EXTEND THE TIME PERIOD FOR THE FIDUCIARY TO COMPLETE THE TRAINING PROGRAM.

C. FOR PURPOSES OF THIS RULE, "FINANCIAL INSTITUTION" MEANS A BANK THAT IS INSURED BY THE FEDERAL DEPOSIT INSURANCE CORPORATION AND CHARTERED UNDER THE LAWS OF THE UNITED STATES OR ANY STATE, A TRUST COMPANY THAT IS OWNED BY A BANK HOLDING COMPANY THAT IS REGULATED BY THE FEDERAL RESERVE BOARD, OR A TRUST COMPANY THAT IS CHARTERED UNDER THE LAWS OF THE UNITED STATES OR THIS STATE.

Rule 28. Pretrial Procedures

A. Initial Procedures; Scheduling Conference.

1. If a matter is contested, unless the parties agree otherwise, the court shall set a scheduling conference that shall occur promptly after the date of the initial hearing on the petition. The scheduling conference may be held at the time set for the initial hearing on the petition. At the scheduling conference, the court and the parties shall address the following issues:
 - a. the deadline for filing a written objection if one has not already been filed;
 - b. the deadline for filing a joint alternative dispute resolution statement pursuant to Rule 29 16(g), Arizona Rules of Civil Procedure;
 - c. any other issues the court or the parties deem relevant.
2. Unless inconsistent with these rules, Rule 16(b), Arizona Rules of Civil Procedure, shall apply to all pre-trial conferences.
3. Following the scheduling conference, the court shall enter an order setting forth the deadlines determined at the scheduling conference.

B. Discovery and Disclosure. Unless inconsistent with these rules, Rules 26 through 37(f), Arizona Rules of Civil Procedure, shall apply to discovery and disclosure in contested probate proceedings.

C. Procedure for Evidentiary Hearing. Except as otherwise provided in A.R.S. Title 14 or these rules, Rules 38 and 39 through 53, Arizona Rules of Civil Procedure, shall apply to evidentiary hearings in probate proceedings. Rule 38.1, Arizona Rules of Civil Procedure, shall not apply to contested probate proceedings unless otherwise ordered by the court.

Rule 29. ~~Arbitration~~ ALTERNATIVE DISPUTE RESOLUTION

~~Unless the parties to a contested matter agree otherwise, Rules 72 through 76, Arizona Rules of Civil Procedure, pertaining to compulsory arbitration, shall not apply.~~

A. THE PARTIES TO A CONTESTED MATTER ARE NOT SUBJECT TO COMPULSORY ARBITRATION AS SET FORTH IN RULES 72 THROUGH 77, ARIZONA RULES OF CIVIL PROCEDURE. THE COURT IS AUTHORIZED BY ARIZONA REVISED STATUTES SECTION 14-1108, HOWEVER, TO ORDER ALTERNATIVE DISPUTE RESOLUTION, INCLUDING ARBITRATION. IF THE COURT ORDERS ARBITRATION, THE ARBITRATION SHALL BE GOVERNED BY RULES 73 THROUGH 77, ARIZONA RULES OF CIVIL PROCEDURE.

B. UPON MOTION OF ANY PARTY OR UPON ITS OWN INITIATIVE, THE COURT MAY DIRECT THE PARTIES TO PARTICIPATE IN ONE OR MORE ALTERNATIVE DISPUTE RESOLUTION PROCESSES, INCLUDING BUT NOT LIMITED TO

ARBITRATION, MEDIATION, SETTLEMENT CONFERENCE, OPEN NEGOTIATION, OR A PRIVATE DISPUTE RESOLUTION PROCESS AGREED UPON BY THE PARTIES.

C. NO LATER THAN THIRTY (30) DAYS AFTER A PROBATE PROCEEDING BECOMES CONTESTED AS DEFINED BY RULE 27, THE PARTIES SHALL CONFER, EITHER IN PERSON OR BY TELEPHONE, ABOUT:

1. THE POSSIBILITIES FOR A PROMPT SETTLEMENT OR RESOLUTION OF THE CASE; AND
2. WHETHER THE PARTIES MIGHT BENEFIT FROM PARTICIPATION IN SOME ALTERNATIVE DISPUTE RESOLUTION PROCESS, THE TYPE OF PROCESS THAT WOULD BE MOST APPROPRIATE IN THEIR CASE, THE SELECTION OF AN ALTERNATIVE DISPUTE RESOLUTION SERVICE PROVIDER, AND THE SCHEDULING OF THE PROCEEDINGS.

D. THE PARTIES ARE RESPONSIBLE FOR ATTEMPTING IN GOOD FAITH TO AGREE ON AN ALTERNATIVE DISPUTE RESOLUTION PROCESS AND FOR REPORTING THE OUTCOME OF THEIR CONFERENCE TO THE COURT. WITHIN FIFTEEN (15) DAYS AFTER THEIR CONFERENCE, THE PARTIES SHALL INFORM THE COURT OF THE FOLLOWING:

1. IF THE PARTIES HAVE AGREED TO USE A SPECIFIC ALTERNATIVE DISPUTE RESOLUTION PROCESS, THE TYPE OF ALTERNATIVE DISPUTE RESOLUTION PROCESS TO BE USED, THE NAME AND ADDRESS OF THE ALTERNATIVE DISPUTE RESOLUTION SERVICE PROVIDER THEY WILL USE, AND THE DATE BY WHICH THE ALTERNATIVE DISPUTE RESOLUTION PROCEEDINGS ARE ANTICIPATED TO BE COMPLETED;
2. IF THE PARTIES HAVE NOT AGREED TO USE A SPECIFIC ALTERNATIVE DISPUTE RESOLUTION PROCESS, THE POSITION OF EACH PARTY AS TO THE TYPE OF ALTERNATIVE DISPUTE RESOLUTION PROCESS APPROPRIATE FOR THE CASE OR, IN THE ALTERNATIVE, WHY ALTERNATIVE DISPUTE RESOLUTION IS NOT APPROPRIATE; AND
3. IF ANY PARTY REQUESTS THAT THE COURT CONDUCT A CONFERENCE TO CONSIDER ALTERNATIVE DISPUTE RESOLUTION.

E. DURING THE ALTERNATIVE DISPUTE RESOLUTION PROCESS, THE PARTIES HAVE A DUTY TO PARTICIPATE IN GOOD FAITH.

RULE 29.2. REMEDIES FOR VEXATIOUS CONDUCT; DEFINITIONS

A. IF THE COURT FINDS THAT A PERSON ENGAGED IN VEXATIOUS CONDUCT IN CONNECTION WITH A PROBATE CASE, THE COURT MAY DO EITHER OR BOTH OF THE FOLLOWING:

1. ORDER THAT THE PERSON MUST OBTAIN THE COURT'S PERMISSION TO FILE FUTURE PLEADINGS AND OTHER PAPERS IN THE PROBATE CASE OR IN OTHER CASES. IF THE COURT ENTERS SUCH AN ORDER, NO PARTY IS REQUIRED TO RESPOND TO THE PERSON'S FUTURE FILINGS UNTIL ORDERED TO DO SO BY THE COURT.

2. ORDER THAT A FIDUCIARY, FIDUCIARY'S ATTORNEY, COURT-APPOINTED ATTORNEY GUARDIAN AD LITEM, TRUSTEE OR PERSONAL REPRESENTATIVE DOES NOT HAVE TO RESPOND TO FUTURE REQUESTS FOR INFORMATION MADE BY THE PERSON RELATED TO THE PROBATE CASE UNLESS REQUIRED BY SUBSEQUENT COURT ORDER.

B. THE REMEDIES PERMITTED PURSUANT TO THIS SECTION ARE IN ADDITION TO ANY OTHER CIVIL REMEDY OR ANY OTHER PROVISION OF LAW.

C. FOR THE PURPOSES OF THIS SECTION:

1. "COURT-APPOINTED ATTORNEY" MEANS AN ATTORNEY APPOINTED PURSUANT TO SECTION 14-5303, SUBSECTION C, SECTION 14-5310, SUBSECTION C, SECTION 14-5401.01, SUBSECTION C OR SECTION 14-5407, SUBSECTION B.

2. "FIDUCIARY" MEANS AN AGENT UNDER A DURABLE POWER OF ATTORNEY, AN AGENT UNDER A HEALTH CARE POWER OF ATTORNEY, A GUARDIAN, A CONSERVATOR, A PERSONAL REPRESENTATIVE, A TRUSTEE OR A GUARDIAN AD LITEM.

3. "VEXATIOUS CONDUCT" MEANS HABITUAL, REPETITIVE CONDUCT UNDERTAKEN SOLELY OR PRIMARILY TO HARASS OR MALICIOUSLY INJURE ANOTHER PARTY OR THAT PARTY'S REPRESENTATIVE, CAUSE UNREASONABLE DELAY IN PROCEEDINGS, CAUSE UNDUE HARM TO THE WARD OR PROTECTED PERSON, OR CAUSE UNNECESSARY EXPENSE. IT DOES NOT INCLUDE CONDUCT UNDERTAKEN IN GOOD FAITH.

Rule 30. Guardianships/Conservatorships-Specific Procedures

A. ~~Inventories~~ INVENTORY.

1. Unless otherwise ordered by the court, the conservator shall file the inventory of the protected person's estate, AS REQUIRED BY A.R.S. SECTION 14-5418(A), within 90 days

after the conservator's letters of conservator, whether temporary or permanent, are first issued. The inventory shall list all property owned by the protected person as of the date the conservator's letters of conservator, whether temporary or permanent, were first issued, and shall provide the values of such assets as of the date of the conservator's first appointment.

2. If the conservator is unable to file the inventory within 90 days after the conservator's letters of conservator, whether temporary or permanent, are first issued, the conservator shall, before the deadline, file a motion that requests additional time to file the inventory. Such motion shall state why additional time is required and how much additional time is required to file the inventory.

3. If, after filing the inventory but before filing the conservator's first ACCOUNT ~~accounting~~, the conservator discovers an additional asset or discovers that the value of an asset on the inventory, whether appraised or not, is erroneous or misleading, the conservator shall file an amended inventory. If the conservator files an amended inventory because the conservator has discovered an additional asset and if the additional asset is not already subject to a court-ordered restriction, the conservator shall, with the amended inventory, file a petition requesting the court to either increase the amount of the conservator's bond or enter an order restricting the sale, conveyance, or encumbrance of the additional asset.

4. Unless permitted by the court, after a conservator has filed the conservator's first ACCOUNT ~~accounting~~ with the court, the conservator shall not amend the inventory. If the conservator discovers any assets after the filing of the conservator's first ACCOUNT ~~accounting~~ or if the conservator discovers that the value of an asset listed on the inventory is erroneous or misleading, the conservator shall make the appropriate adjustments on the conservator's subsequent ACCOUNTS ~~accountings~~.

B. CONSERVATOR'S ACCOUNTS ~~Accountings~~.

1. Unless otherwise ordered by the court, the conservator's first ACCOUNT ~~accounting~~ shall reflect all activity relating to the conservatorship estate from the date the conservator's letters were first issued through and including the last day of the ninth month after the date the conservator's permanent letters were issued and shall be filed with the court on or before the anniversary date of the issuance of the conservator's permanent letters. For each bank or securities account listed on the ending balance schedule of the ACCOUNT ~~accounting~~, the conservator shall attach to the ACCOUNT ~~accounting~~ a copy of the monthly statement that corresponds to the ending balance of such account as reflected on the ACCOUNT ~~accounting~~.

2. Unless otherwise ordered by the court, all subsequent ACCOUNTS ~~accountings~~ shall reflect all activity relating to the conservatorship estate from the ending date of the most recent previously filed ACCOUNT ~~accounting~~ through and including the last date of the twelfth month thereafter, and shall be filed with the court on or before the anniversary date of the issuance of the conservator's permanent letters. For each bank or securities account listed on the ending balance schedule of the ACCOUNT ~~accounting~~, the conservator shall attach to the ACCOUNT ~~accounting~~ a copy of the monthly statement that corresponds to the ending balance of such account as reflected on the ACCOUNT ~~accounting~~.

3. UNLESS OTHERWISE ORDERED BY THE COURT, THE CONSERVATOR'S ACCOUNT SHALL BE FILED IN THE FORMAT SET FORTH IN THE APPROPRIATE FORM CONTAINED IN RULE 38 OF THESE RULES.

4.3. Unless otherwise ordered by the court and except as provided in A.R.S. § 14-5419(F), a conservator shall file a final ACCOUNT ~~accounting~~ for a deceased protected person within 90 days after the date of the protected person's death.

5.4. If the conservator is unable to file an ACCOUNT ~~accounting~~ within the time set forth in this rule, the conservator shall, before the deadline, file a motion that requests additional time to file the ACCOUNT ~~accounting~~. The motion shall, at a minimum, state why additional time is required and how much additional time is required to file the ACCOUNT ~~accounting~~.

6.5. For purposes of this rule, if the conservator's appointment initially was temporary, "the date the conservator's letters were first issued" shall mean the date the conservator's temporary letters were issued; otherwise, "the date the conservator's letters were first issued" shall mean the date the conservator's permanent letters were issued.

C. Annual Guardian Reports

1. Unless otherwise ordered by the court, the guardian's first annual report shall cover the time from the date the guardian's letters were first issued through and including the last day of the ninth month after the date the guardian's permanent letters were issued. The report shall be filed with the court on or before the anniversary date of the issuance of the guardian's permanent letters.

2. Unless otherwise ordered by the court, all subsequent annual reports of guardian shall cover the time from the ending date of the most recent previously filed annual report of guardian through and including the last date of the twelfth month thereafter. The report shall be filed with the court on or before the anniversary date of the issuance of the guardian's permanent letters.

3. If the guardian is unable to file an annual report of guardian within the time set forth in this rule, the guardian shall, before the deadline, file a motion that requests additional time to file the report. The motion shall state why additional time is required and how much additional time is required to file the report.

4. For purposes of this rule, if the guardian's appointment initially was temporary, "the date the guardian's letters were first issued" shall mean the date the guardian's temporary letters were issued; otherwise, "the date the guardian's letters were first issued" shall mean the date the guardian's permanent letters were issued.

***VERSION 1-TRIAGE PROGRAM A**

D. INDEPENDENT CASE REVIEW

1. DURING A PRE-APPOINTMENT INVESTIGATION OF A SUBJECT PERSON PURSUANT TO A.R.S. § 14-5308(B), AN INVESTIGATOR SHALL ASSESS THE NEED FOR POST-APPOINTMENT MONITORING THROUGH USE OF RISK ASSESSMENT

CRITERIA ESTABLISHED BY THE SUPREME COURT AND SET FORTH IN A FORM. THE INVESTIGATOR SHALL FILE THE RISK ASSESSMENT FORM WITH THE COURT UPON COMPLETION OF THE INVESTIGATION.

2. UPON APPOINTMENT OF A GUARDIAN OR CONSERVATOR FOR AN ADULT, THE SUPERIOR COURT SHALL CONSIDER THE RISK ASSESSMENT INFORMATION PROVIDED BY THE INVESTIGATOR AND ORDER ONE OR MORE METHODS OF CASE REVIEW. SUCH METHODS MUST INCLUDE VISITATION OF THE SUBJECT PERSON AND MAY INCLUDE FINANCIAL REVIEW. THE COURT MUST ORDER SOME TYPE OF CASE REVIEW AT LEAST BIENIALLY.

3. THE COURT MAY USE VOLUNTEERS TO VISIT ADULT WARDS AND PROTECTED PERSONS. ANY VOLUNTEER MUST SUBMIT TO A CRIMINAL BACKGROUND CHECK AND UNDERGO TRAINING AS REQUIRED BY THE SUPREME COURT.

4. IN DETERMINING WHETHER THE SUBJECT PERSON IS IN NEED OF A GUARDIANSHIP OR CONSERVATORSHIP, THE COURT SHALL NOT CONSIDER THE RISK ASSESSMENT FORM COMPLETED PURSUANT TO THIS RULE, NOR SHALL THE RISK ASSESSMENT FORM BE ADMISSIBLE IN EVIDENCE DURING ANY HEARING ON WHETHER A GUARDIAN OR CONSERVATOR SHOULD BE APPOINTED FOR THE SUBJECT PERSON.

OR *VERSION 2-TRIAGE PROGRAM B

D. INDEPENDENT CASE REVIEW

1. DURING A PRE-APPOINTMENT INVESTIGATION OF A SUBJECT PERSON PURSUANT TO A.R.S. § 14-5308(B), AN INVESTIGATOR SHALL ASSESS THE NEED FOR POST-APPOINTMENT MONITORING THROUGH USE OF RISK ASSESSMENT CRITERIA ESTABLISHED BY THE SUPREME COURT AND SET FORTH IN A FORM. THE INVESTIGATOR SHALL FILE THE RISK ASSESSMENT FORM WITH THE COURT UPON COMPLETION OF THE INVESTIGATION.

2. UPON APPOINTMENT OF A GUARDIAN OR CONSERVATOR FOR AN ADULT, THE COURT SHALL CONSIDER THE RISK ASSESSMENT INFORMATION PROVIDED BY THE INVESTIGATOR. AT THE COURT'S DISCRETION, IT MAY ORDER ONE OR MORE METHODS OF CASE REVIEW. SUCH METHODS MAY INCLUDE VISITATION OF THE SUBJECT PERSON AND FINANCIAL REVIEW.

3. THE COURT MAY USE VOLUNTEERS TO VISIT ADULT WARDS AND PROTECTED PERSONS. ANY VOLUNTEER MUST SUBMIT TO A CRIMINAL BACKGROUND CHECK AND UNDERGO TRAINING AS REQUIRED BY THE COURT.

4. IN DETERMINING WHETHER THE SUBJECT PERSON IS IN NEED OF A GUARDIANSHIP OR CONSERVATORSHIP, THE COURT SHALL NOT CONSIDER THE RISK ASSESSMENT FORM COMPLETED PURSUANT TO THIS RULE, NOR SHALL THE RISK ASSESSMENT FORM BE ADMISSIBLE IN EVIDENCE DURING

ANY HEARING ON WHETHER A GUARDIAN OR CONSERVATOR SHOULD BE APPOINTED FOR THE SUBJECT PERSON.

RULE 30.1. GOOD FAITH ESTIMATE

A. PETITION TO APPOINT A CONSERVATOR SHALL BE ACCOMPANIED BY A GOOD FAITH ESTIMATE OF ALL PROJECTED MONTHLY AND ANNUAL COSTS THAT SHALL BE INCURRED BY A CONSERVATOR, EXCEPT MEDICAL COSTS, TO THE EXTENT THE INFORMATION CAN BE REASONABLY KNOWN OR PROJECTED AT THE TIME A PETITION IS FILED.

B. THE GOOD FAITH ESTIMATE SHALL BE MADE IN FORM 5 SET FORTH IN RULE 38 (FORMS) AND SHALL CONFORM TO THE INSTRUCTIONS PROVIDED WITH FORM 5.

C. IF THE PETITIONER IS UNABLE TO PROVIDE ALL OR PART OF THE GOOD FAITH ESTIMATE AT THE TIME THE PETITION IS FILED, THE PETITIONER MUST STATE IN THE PETITION ALL EFFORTS MADE BY THE PETITIONER TO OBTAIN THE ESTIMATES, AND THE PETITIONER SHALL UPDATE THE GOOD FAITH ESTIMATE FIVE DAYS BEFORE THE HEARING ON THE PETITION IF FURTHER INFORMATION BECOMES KNOWN.

RULE 30.2. FINANCIAL ORDER

A. FOLLOWING THE APPOINTMENT OF A CONSERVATOR, A CONSERVATOR FOR AN ADULT SHALL INSTITUTE AND FOLLOW A BUDGET, AS SET FORTH IN RULE 30.4, UNLESS OTHERWISE ORDERED BY THE COURT, AND THE COURT MAY ENTER ONE OR MORE OF THE FOLLOWING ORDERS:

1. LIMIT EXPENDITURES FROM THE ESTATE OF THE PROTECTED PERSON AS THE COURT FINDS IS IN THE PROTECTED PERSON'S BEST INTEREST; OR,

2. REQUIRE THE CONSERVATOR TO PROCEED IN ANY OTHER LAWFUL MANNER THE COURT FINDS IS IN THE PROTECTED PERSON'S BEST INTEREST.

B. AFTER A CONSERVATOR IS APPOINTED, THE COURT MAY DISCHARGE THE PROTECTED PERSON'S ATTORNEY IF THE COURT FINDS THAT THE COST OF THE CONTINUED REPRESENTATION EXCEEDS THE PROBABLE BENEFIT TO THE PROTECTED PERSON. UNTIL DISCHARGED, THE PROTECTED PERSON'S ATTORNEY HAS A CONTINUING DUTY TO REVIEW THE CONSERVATOR'S INVENTORY, BUDGETS AND ACCOUNTS AND TO NOTIFY THE COURT OF ANY OBJECTIONS OR CONCERNS THE ATTORNEY IDENTIFIES WITH RESPECT TO THE CONSERVATOR'S INVENTORY, BUDGETS AND ACCOUNTS.

COMMENT

A.R.S. § 14-5408(A)(3) AUTHORIZES THE COURT, AFTER IT DETERMINES THAT A BASIS FOR THE APPOINTMENT OF A CONSERVATOR EXISTS WITH RESPECT TO A PERSON FOR REASONS OTHER THAN MINORITY, TO ENTER SUCH ORDERS AS ARE NECESSARY FOR THE BENEFIT OF THE PROTECTED PERSON AND MEMBERS OF THAT PERSON'S HOUSEHOLD. A.R.S. § 14-5426(A) AUTHORIZES THE COURT TO LIMIT THE POWERS OF A CONSERVATOR. CONSISTENT WITH THOSE STATUTES, THIS RULE IS INTENDED TO ENSURE THAT THE PROTECTED PERSON'S ESTATE IS PROPERLY MANAGED, PROTECTED, AND PRESERVED.

RULE 30.3. SUSTAINABILITY OF CONSERVATORSHIP

A. THE CONSERVATOR SHALL DISCLOSE WHETHER THE ANNUAL EXPENSES OF THE CONSERVATORSHIP EXCEED INCOME AND, IF SO, WHETHER THE ASSETS AVAILABLE TO THE CONSERVATOR LESS LIABILITIES ARE SUFFICIENT TO SUSTAIN THE CONSERVATORSHIP DURING THE PROJECTED LIFESPAN OF THE PROTECTED PERSON. IF THE ASSETS ARE NOT SUFFICIENT, THE CONSERVATOR SHALL ALSO DISCLOSE THE MANAGEMENT PLAN FOR THE NON-SUSTAINABLE CONSERVATORSHIP. UNLESS OTHERWISE ORDERED BY THE COURT, THE CONSERVATOR SHALL DISCLOSE THE INFORMATION REQUIRED BY THIS RULE, INCLUDING THE CONSERVATOR'S ASSUMPTIONS AND CALCULATION, WHEN FILING AN INVENTORY, ANY CONSERVATOR'S ACCOUNT, AND FOLLOWING ANY MATERIAL CHANGE OF CIRCUMSTANCES.

B. THE INFORMATION REQUIRED BY THIS RULE SHALL BE A GOOD FAITH PROJECTION BASED UPON THE INFORMATION THAT IS REASONABLY AVAILABLE TO THE CONSERVATOR CONCERNING THE SUBJECT PERSON. THIS INFORMATION MAY BE CONSIDERED BY THE COURT WHEN ENTERING ORDERS.

C. THE CONSERVATORSHIP IS DEEMED SUSTAINABLE IF THE FOLLOWING EQUATION IS PROJECTED TO BE TRUE:

$$\frac{(\text{AVAILABLE ASSETS MINUS LIABILITIES OF THE ESTATE})}{(\text{ANNUAL EXPENDITURES MINUS ANNUAL INCOME})} \geq \text{PROJECTED LIFESPAN}$$

D. THE DISCLOSURE REQUIRED BY THIS RULE IS NOT REQUIRED IN THE CONSERVATORSHIP FOR A MINOR UNLESS OTHERWISE ORDERED BY THE COURT.

E. UNLESS OTHERWISE ORDERED BY THE COURT, THE SUSTAINABILITY DISCLOSURE SHALL BE FILED IN THE FORMAT SET FORTH IN THE APPROPRIATE FORM CONTAINED IN RULE 38 OF THESE RULES.

COMMENT

THE PURPOSE OF THE DISCLOSURE REQUIRED BY THIS RULE IS TO PROVIDE THE COURT AND PARTIES WITH A GENERAL IDEA AS TO WHETHER THE ASSETS AND INCOME OF THE CONSERVATORSHIP ESTATE ARE SUFFICIENT TO PAY FOR THE PROTECTED PERSON'S EXPENSES DURING THAT PERSON'S PROJECTED LIFE EXPECTANCY. THUS, THE DISCLOSURE REQUIRED BY THIS RULE IS INTENDED TO SERVE SOLELY AS A MANAGEMENT TOOL; THE COURT DOES NOT INTEND THAT A GOOD FAITH PROJECTION WILL FORM THE BASIS FOR A CLAIM OF LIABILITY AGAINST THE CONSERVATOR.

THE FOLLOWING EXAMPLE DESCRIBES HOW THE REQUIRED DISCLOSURE IS CALCULATED: ASSUME A PROTECTED PERSON'S ESTATE CONSISTS OF \$20,000 IN BANK ACCOUNTS AND A RESIDENCE WITH A FAIR MARKET VALUE OF \$120,000 AND A \$65,000 MORTGAGE. FURTHER ASSUME THAT SAME PROTECTED PERSON HAS AN ANNUAL INCOME OF \$20,000 AND ANNUAL EXPENSES (INCLUDING FIDUCIARY AND ATTORNEY FEES) OF \$45,000. THE CONSERVATORSHIP'S SUSTAINABILITY IS CALCULATED AS FOLLOWS:

$$\frac{(\$120,000 + 20,000 - 65,000)}{(\$45,000 - 20,000)} \geq \text{PROJECTED LIFESPAN}$$

$$\frac{\$75,000}{\$25,000} \geq \text{PROJECTED LIFESPAN}$$

$$3 \text{ YEARS UNTIL ASSETS ARE DEPLETED} \geq \text{PROJECTED LIFESPAN}$$

THUS, IF THE CONSERVATOR ESTIMATES THAT THE PROTECTED PERSON'S LIFESPAN IS THREE YEARS OR LESS, THE CONSERVATORSHIP IS SUSTAINABLE. ON THE OTHER HAND, IF THE CONSERVATOR ESTIMATES THAT THE PROTECTED PERSON'S LIFESPAN IS MORE THAN THREE YEARS, THE CONSERVATORSHIP IS NOT SUSTAINABLE AND THE CONSERVATOR MUST EXPLAIN HOW THE PROTECTED PERSON'S EXPENSES WILL BE MANAGED AFTER THREE YEARS.

RULE 30.4. CONSERVATORSHIP ESTATE BUDGET

A. UNLESS OTHERWISE ORDERED BY THE COURT, THE CONSERVATOR SHALL FILE A BUDGET NOT LATER THAN THE DATE THE INVENTORY IS DUE AND WITH THE CONSERVATOR'S ACCOUNT FILED THEREAFTER, FOLLOWING CONSULTATION WITH ANY ATTORNEY OR GUARDIAN AD LITEM FOR THE PROTECTED PERSON. THE FIRST BUDGET SHALL COVER THE DATE OF THE CONSERVATOR'S INITIAL APPOINTMENT THROUGH AND INCLUDING THE END DATE OF THE CONSERVATOR'S FIRST ACCOUNT.

B. UNLESS OTHERWISE ORDERED BY THE COURT, THE BUDGET SHALL BE FILED IN THE FORMAT SET FORTH IN THE APPROPRIATE FORM CONTAINED IN RULE 38 OF THESE RULES.

C. THE CONSERVATOR MUST PROVIDE A COPY OF THE BUDGET TO ALL PERSONS ENTITLED TO NOTICE OF THE CONSERVATOR'S ACCOUNTS PURSUANT TO ARIZONA REVISED STATUTES SECTION 14-5419(C).

D. THE CONSERVATOR SHALL FILE AN AMENDMENT TO THE BUDGET AND PROVIDE NOTICE IN THE SAME MANNER AS THE INITIAL BUDGET WITHIN THIRTY DAYS AFTER REASONABLY PROJECTING THAT THE EXPENDITURES FOR ANY SPECIFIC CATEGORY WILL EXCEED THE APPROVED BUDGET BY MORE THAN TEN PER CENT OR TWO THOUSAND DOLLARS, WHICHEVER IS GREATER, UNLESS A DIFFERENT THRESHOLD FOR AMENDMENT IS PRESCRIBED BY THE COURT.

E. AN INTERESTED PERSON MAY FILE A WRITTEN OBJECTION TO THE BUDGET OR AMENDMENT WITHIN FOURTEEN DAYS AFTER THE FILING DATE OF THE BUDGET OR AMENDMENT. ON THE FILING OF A WRITTEN OBJECTION, THE COURT MAY OVERRULE ALL OR PART OF THE OBJECTION, ORDER A REPLY BY THE CONSERVATOR OR SET A HEARING ON THE OBJECTION. THE COURT MAY ALSO SET A HEARING IN THE ABSENCE OF AN OBJECTION. AT A HEARING, THE CONSERVATOR HAS THE BURDEN TO PROVE THAT A CONTESTED BUDGET ITEM IS REASONABLE, NECESSARY AND IN THE BEST INTEREST OF THE PROTECTED PERSON. IF AN INTERESTED PERSON FAILS TO OBJECT TO A BUDGET ITEM WITHIN FOURTEEN DAYS AFTER THE FILING DATE OF THE BUDGET OR AMENDMENT, HOWEVER, THE BUDGET ITEM SHALL BE DEEMED PRESUMPTIVELY REASONABLE AT THE TIME OF THE CONSERVATOR'S ACCOUNT.

F. THE COURT MAY ORDER THAT A BUDGET IS ACCEPTED IN THE ABSENCE OF AN OBJECTION. ON THE COURT'S OWN MOTION OR UPON THE FILING OF A WRITTEN OBJECTION, THE COURT SHALL APPROVE, DISAPPROVE OR MODIFY THE BUDGET TO FURTHER THE PROTECTED PERSON'S BEST INTEREST.

Rule 33. Compensation for Fiduciaries and ~~Attorney's Fees~~ Attorneys; STATEWIDE FEE GUIDELINES

A. A GUARDIAN, CONSERVATOR, ATTORNEY OR GUARDIAN AD LITEM WHO INTENDS TO BE COMPENSATED BY THE ESTATE OF A WARD OR PROTECTED PERSON SHALL GIVE WRITTEN NOTICE OF THE BASIS OF ANY COMPENSATION AS REQUIRED BY ARIZONA REVISED STATUTES SECTION 14-5109.

~~B.A.~~ Unless otherwise ordered by the court, a petition that requests approval of compensation for a personal representative, trustee, guardian, conservator, guardian ad litem, attorney representing such fiduciary, or an attorney representing the subject person in a guardianship or

conservatorship proceeding for services rendered in proceedings under A.R.S. Title 14 shall be accompanied by a statement that includes the following information:

1. If compensation is requested based on hourly rates, a detailed statement of the services provided, including the tasks performed, the date each task was performed, the time expended in performing each task, the name and position of the person who performed each task, and the hourly rate charged for such services;
2. An itemization of costs for which reimbursement is sought that identifies the cost item, the date the cost was incurred, the purpose for which the expenditure was made, and the amount of reimbursement requested, or, if reimbursement of costs is based on some other method, an explanation of the method being used for reimbursement of costs; and
3. If compensation is not based on hourly rates, an explanation of the fee arrangement and computation of the fee for which approval is sought.

~~C.B.~~ Copies of all petitions for compensation and fee statements shall be provided to or served on each party and person who has appeared or requested notice in the case. Proof of such service shall be filed with the court.

~~D.C.~~ If a petition for compensation or fees is contested, the objecting party shall set forth all specific objections in writing, and a copy of such written objections shall be given to or served on each party and person who has appeared or requested notice in the case. Proof of service or delivery of such notice shall be filed with the court.

~~E.D.~~ When an attorney or fiduciary fee statement accompanies an annual accounting, the fee statement shall match the charges reported in the annual accounting or a reconciliation of the fee statement to the accounting shall be provided by the fiduciary

~~F.E.~~ WHEN DETERMINING REASONABLE COMPENSATION, ~~the superior court SHALL FOLLOW THE STATEWIDE FEE GUIDELINES SET FORTH IN APPENDIX B TO THESE RULES may adopt fee guidelines designating compensation rates that may be used in determining the reasonableness of fees payable to licensed fiduciaries in cases under A.R.S. Title 14.~~

~~G.F.~~ Unless ordered by the court, neither a personal representative nor a personal representative's attorney is required to file a petition for approval of such person's fees.

H. COMPENSATION PAYABLE TO ATTORNEYS OR GUARDIANS AD LITEM FROM THE ESTATE OF A WARD OR PROTECTED PERSON IS WAIVED IF NOT SUBMITTED IN COMPLIANCE WITH ARIZONA REVISED STATUTES, SECTION 14-5110.

Rule 38. ~~Appendix to Forms~~

A. ~~The forms~~ Forms 1 THROUGH 4 included in Appendix A are the preferred forms and meet the requirements of these rules. Whenever these rules require the use of a form that is “substantially similar” to a form contained in this rule, such language means that the content of

these forms may be adapted to delete information that does not apply to a particular case or add other relevant information, provided that all information contained in the preferred form and applicable to the case is included. The deletion of information contained in the preferred form or the failure to complete a portion of the preferred form constitutes a representation to the court and adverse parties that the omitted or unanswered questions or items are not applicable. Any form may be modified for submission at times and under circumstances provided for by an Administrative Order of the Supreme Court of Arizona.

~~B. The forms~~ Forms 1 THROUGH 4 in Appendix A shall not be the exclusive method for presenting such matters in the superior court.

B. FORMS 5 THROUGH 10 INCLUDED IN APPENDIX A MEET THE REQUIREMENTS OF THESE RULES. UNLESS OTHERWISE ORDERED BY THE COURT, FORMS 5 THROUGH 9 SHALL BE THE EXCLUSIVE METHOD FOR PRESENTING SUCH MATTERS IN THE SUPERIOR COURT. FORM 10 CAN BE USED BY A CONSERVATOR ONLY IF AUTHORIZED BY THE COURT TO DO SO. THE INSTRUCTIONS INCLUDED WITH FORMS 5 THROUGH 10 SUPPLEMENT THE RULES AND HAVE THE SAME FORCE AND EFFECT AS THE RULES.

COMMENT

~~The f~~ Forms 1 THROUGH 4 contained in Appendix A are sufficient under the rules and are intended to indicate the simplicity and brevity of statement that these rules contemplate. Although use of these forms is encouraged, the forms are not the exclusive means for addressing the court in writing.

FORMS 5 THROUGH 10, HOWEVER, MUST BE USED IN THEIR EXACT FORM AS THEY ARE THE EXCLUSIVE MEANS FOR ADDRESSING THE COURT IN WRITING. FORM 10 IS A SIMPLIFIED FORM THAT CAN ONLY BE USED BY THE CONSERVATOR IF THE COURT SO AUTHORIZES. THE REQUIREMENT OF USING THESE FORMS IS IMPOSED IN AN EFFORT TO INCREASE JUDICIAL OVERSIGHT OF CONSERVATORSHIPS. THESE FORMS WILL BRING UNIFORMITY AND COMPARABILITY TO JUDICIAL OVERSIGHT OF CONSERVATORSHIPS.